

VIRGINIA:

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

MOHAMMAD ASIF GHAZNAVI

and

AYSHA CHISHTY
Plaintiffs,

v.

DUC T. NGUYEN
42414 Chamois Court
Sterling, Virginia 20166

CASE NO. CL 20-1474

TAM NGO
42414 Chamois Court
Sterling, Virginia 20166

GLOBAL REALTY MANAGEMENT INC.
Serve GFM Group Inc.
11921 Freedom Drive
Suite 550
Reston, Virginia 20190

GRM GROUP INC.
Serve GFM Group Inc.
11921 Freedom Drive
Suite 550
Reston, Virginia 20190

KIMBERLY VU
42414 Chamois Court
Sterling, Virginia 20166

and

PARTIES UNKNOWN
42414 Chamois Court
Sterling, Virginia 20166
Defendants.

COMPLAINT

COME NOW the Plaintiffs, MOHAMMAD ASIF GHAZNAVI and AYSHA CHISHTY, by and through counsel, and for their Complaint state as follows:

PARTIES

1. Plaintiffs, MOHAMMAD ASIF GHAZNAVI and AYSHA CHISHTY are husband and wife and are adult residents of the Commonwealth of Virginia (collectively, “Ghaznavi”).
2. Defendant, DUC T. NGUYEN, is an adult resident of the Commonwealth of Virginia (“Nguyen”).
3. Defendant, TAM NGO, is an adult resident of the Commonwealth of Virginia (“Ngo”).
4. Defendant, GLOBAL REALTY MANAGEMENT INC. is a defunct and inactive corporation organized and formerly existing under the laws of the Commonwealth of Virginia with its principal place of business in Fairfax County, Virginia (“Global”).
5. Defendant, GRM GROUP INC. is an entity unincorporated in Virginia believed to have a principal place of business in Fairfax County, Virginia (“GRM”).
6. Defendant, KIMBERLY VU is an adult resident of the Commonwealth of Virginia (“Vu”).

JURISDICTION AND VENUE

7. The Court has subject matter jurisdiction over this matter under § 17.1-513 of the Code of Virginia.
8. Venue is proper in this Court pursuant to §§ 8.01-261 through 8.01-262 of the Code of Virginia because this action involves tort claims relating to real property in the County of Loudoun. Some of the Defendants reside in the County of Loudoun. All matters giving rise to this litigation occurred in the County of Loudoun.

FACTS COMMON TO ALL COUNTS

9. Nguyen and Ngo were the record title owners of 42414 Chamois Court, Sterling,

Virginia 20166 (the “Property”) having acquired the Property by deed recorded December 18, 2015 as Instrument Number 20151208-0080856, among the land records of Loudoun County, Virginia. Exhibit 1.

10. By Deed of Gift dated February 8, 2018 and recorded February 9, 2018 as Instrument Number 20180209-0007637, among the aforesaid land records, Thuan Q. Ngo and Ngo, husband and wife, and Nguyen purported to transfer title of the Property to Nguyen and Vu (the “February 2018 Deed”). Exhibit 2.

11. On March 29, 2018, Nguyen filed a voluntary petition for relief in the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division (the “Bankruptcy Court”) under Chapter 13 of the Bankruptcy Code.

12. The case was converted to Chapter 7 on April 26, 2018 and Janet M. Meiburger (“Meiburger”) was duly appointed as Chapter 7 Trustee.

13. Nguyen was granted a discharge in his Chapter 7 bankruptcy on July 26, 2018.

14. By Deed of Gift dated October 24, 2018 and recorded October 25, 2018 as Instrument Number 20181025-0062195, among the aforesaid land records, Nguyen and Vu purported to transfer title of the Property to Global (the “October 2018 Deed”). Exhibit 3.

15. On November 29, 2018, Meiburger filed a six count complaint in the Bankruptcy Court seeking, (i) in Counts I, II, and IV, to avoid the February 2018 Deed transfer as a fraudulent transfer with intent to hinder, delay or defraud creditors, (ii) in Count III and V, to avoid the February 2018 Deed transfer as a voluntary conveyance not upon consideration deemed valuable in law, or in Count V as a transfer for which Nguyen did not receive reasonably equivalent value, and (iii) for a declaratory judgment in Count VI (the “Meiburger Complaint”).

Exhibit 4.

16. On January 18, 2019 Meiburger filed a motion for default judgment as to Vu for failure to file an answer or responsive motion.

17. The Bankruptcy Court entered a consent order on January 25, 2019, granting judgment in favor of Meiburger on Count VI of the Meiburger Complaint and holding that at all times Nguyen was the sole beneficial owner of the Property and Ngo held only bare legal title to the Property. Exhibit 5.

18. The Bankruptcy Court entered an order granting Meiburger's motion for default judgment as to Vu on February 22, 2019 and ordered, *inter alia*, that the February 2018 Deed transfer was void as a fraudulent transfer and that the Property was restored to Nguyen as the sole beneficial owner effective as of the date of the February 2018 Deed. Exhibit 6.

19. The Bankruptcy Court subsequently entered orders denying Vu's motion to vacate the default judgment and her motions to reconsider, and the February 22, 2019 order granting Meiburger's motion for default judgment is final.

20. By Deed of Gift recorded November 15, 2019 as Instrument Number 20191115-0071155, among the aforesaid land records, Nguyen and Global purported to transfer title of the Property to Global, GRM and Vu (the "November 2019 Deed"). Exhibit 7.

21. Nguyen and Ngo's interest in the property was foreclosed upon on November 18, 2019 and Ghaznavi was the highest and last bidder and purchased the Property at the foreclosure sale.

22. Ghaznavi closed on the Property on February 14, 2020 and a Trustee's Deed transferring ownership of the Property to Ghaznavi was recorded that day as Instrument Number 20200214-0010392, among the aforesaid land records. Exhibit 8.

23. Based upon information and belief Nguyen, Vu and Parties Unknown are

occupying the Property as their primary residence.

24. Ghaznavi has not authorized Defendants to remain in the Property and has asked Defendants to vacate. Exhibit 9.

25. Defendants have refused and failed to vacate the Property despite not having any lease, ownership interest or any other legal right to occupy the Property.

26. Ghaznavi intends to occupy the Property as his primary residence.

27. Ghaznavi engaged a Virginia licensed real estate agent who has determined, based upon market research, his experience and expertise, that the Property would likely realize a monthly rental amount of at least Three Thousand Five Hundred Dollars and 00/100 (\$3,500.00).

28. Ghaznavi paid homeowners' association dues assessed against the Property for the first quarter of 2020 in the amount of One Hundred Eighty-Seven Dollars and 20/100 (\$187.20).

COUNT I

Unlawful Detainer

29. Ghaznavi hereby realleges and incorporates by reference paragraphs 1-28, as if fully set forth herein.

30. Nguyen and Ngo's ownership interest in the Property and right of possession thereto was extinguished by the foreclosure sale of the Property on November 18, 2019.

31. Defendants are in possession of the Property without the consent of Plaintiffs who are the record title owners and who are justly entitled to the possession thereof.

32. Defendants possession of the Property is unlawful.

WHEREFORE, Plaintiffs, by counsel, pray for judgment against Defendants for possession of the Property and for such other relief as this Court deems just and proper.

COUNT II

Unjust Enrichment

As to Nguyen and Vu

33. Plaintiffs hereby reallege and incorporate by reference paragraphs 1-32, as if fully set forth herein.

34. Plaintiffs, as record title owners of the Property, have conferred upon Defendants the benefit of occupying the Property without making any mortgage payments, paying any rent and without legal obligation for the payment of homeowner association dues.

35. Prior to the foreclosure of the Property, Nguyen was responsible for making mortgage payments, knew the specific costs thereof and should have reasonably expected to pay Plaintiffs in order to continue occupying the Property.

36. It is unreasonable for Nguyen and Vu to expect that they can continue to occupy and possess the Property without just compensation to Plaintiffs.

37. Nguyen and Vu have accepted and retained the benefit conferred by Plaintiffs without paying for its value.

WHEREFORE, the Plaintiffs, by counsel, pray for judgment against Nguyen and Vu, jointly and severally in the amount of Two Thousand Twenty-Four Dollars and 52/100 (\$2,024.52) for actual damages incurred from February 14, 2020 through March 2, 2020 and for actual damages to be incurred by the Plaintiffs after March 2, 2020 at the per diem rate of One Hundred Fourteen Dollars and 96/100 (\$114.96) until the date of judgment, the costs of this proceeding and for such other relief as this Court deems just.

Service of Notice

I hereby certify that I served the above notice by mailing a copy of it to the address set forth above on February 21, 2020.


Forrest E. White

Consideration: \$690,000.00
Assessed Value: \$673,490.00
Tax Map No: 162-35-2032-000
Grantees' Address:
42414 CHAMOIS COURT
STERLING, VA 20166

Document Prepared By:
Law Office of Luisa M. White, PLLC
Luisa Miranda White, Esq.; VSB No. 72206
File No. TCVA15-265; #11-15-10 *RTS*
Underwriter: First American Title Insurance Company

This Deed, made this November 23, 2015, by and between HALEY COCHRAN,
married, and STEVEN THOMAS, married, Grantors, and TAM NGO, unmarried, and DUC T
NGUYEN, married, Grantees.



20151208-0080856

Loudoun County, VA Pgs: 2
12/08/2015 3:12:33PM Grantor Tax Pd
Gary M. Clemens, Clerk \$690.00

- Witnesseth -

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain, sell and convey, in fee simple, with GENERAL WARRANTY and English Covenants of title, unto the Grantees, as joint tenants with right of survivorship, all the following-described lot or parcel of land together with improvements thereon, situate, lying and being in the County of Loudoun, Commonwealth of Virginia:

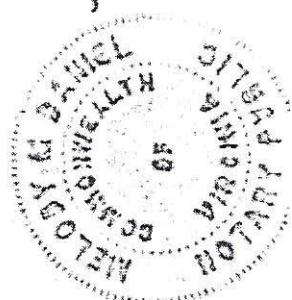
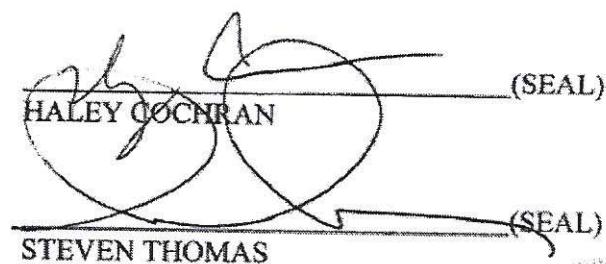
Lot 12, Winsbury, Parcels A and B, as the same appears duly dedicated, platted and recorded in Instrument No. 20070820-0061190 with the record plats being recorded in Instrument No. 20070820-0061191 and re-recorded in Instrument No. 20080807-0048286, among the land records of Loudoun County, Virginia.

BEING the same property conveyed to Haley Cochran and Steven Thomas from Richmond American Homes of Virginia, Inc., by Deed dated April 29, 2010, and recorded on May 3, 2010, as Instrument No. 20100203-0025175.

This conveyance is made expressly subject to the easements, conditions, restrictions, and rights-of-way of record contained in the instruments forming the chain of title to the property conveyed herein and to matters visible upon inspection.

The Grantors covenant that they are seized in fee simple of the property herein conveyed, have the right to convey the said land to the Grantees and have done no act to encumber the lands. The Grantors covenant that the Grantees shall have quiet possession of the land free from all encumbrances, except as mentioned herein, and that they, the Grantors, will execute such further assurances of the lands as may be requisite.

Witness the following signatures and seals.



COMMONWEALTH OF VIRGINIA } ss
COUNTY OF Loudoun }

I, undersigned, a Notary Public for the jurisdiction aforementioned, do certify that HALEY COCHRAN and STEVEN THOMAS, whose names are signed to the foregoing document, acknowledged the same before me in my jurisdiction aforesaid, this 23 day of November, 2015.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Melody M. Davis
Notary Public

My Commission Expires: May 31, 2016
154258

After recording, please return to:
Realty Title of Tysons, Inc.
8230 Boone Blvd., Suite 330
Vienna, VA 22182

Reserved for Recording Clerk:

Consideration: \$0.00 - Tax exempt §58.1-811(D)

Parcel ID No.: 162352032000

Prepared by:

Gary D. Weinstein, Esquire

1513 King Street

Alexandria, VA 22314

VA State Bar No. 8378

After Recording, please return to:
Apex Title and Escrow Corporation
3615 Chain Bridge Rd., # E, Fairfax, VA 22030



20180209-0007637

Loudoun County, VA

2/9/2018 3:37:47 PM

Pgs:2

Gary M. Clemens, Clerk

DEED OF GIFT

THIS DEED made this 8th day of February, 2018, by and between

Thuan Q. Ngo and Tam Ngo, husband and wife and Duc T. Nguyen, unmarried
erroneously referred to of record as married, Grantors

And

Duc T. Nguyen and Kimberly Vu, Grantees

WITNESSETH: That for and in consideration of gift, the GRANTORS do hereby grant, and convey unto the GRANTEEES, as Joint Tenant with common law right of survivorship, in fee simple and with General Warranty and English Covenants of title, the following described land with its improvements in Loudoun County, Virginia:

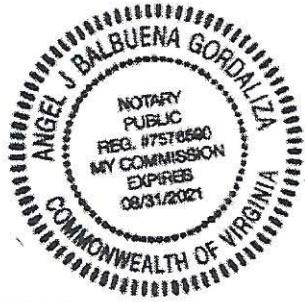
Lot 12, Winsbury, Parcels A and B, as the same appears duly dedicated, platted and recorded in Instrument No. 20070820-0061190 with the record plats being recorded in Instrument No. 20070820-0061191 and re-recorded in Instrument No. 20080807-0048286, among the land records of Loudoun County, Virginia.

With improvements known as 42414 Chamois Court; Sterling, VA 20166.

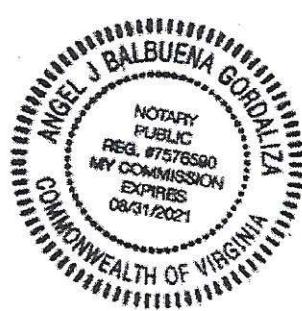
AND BEING the same property conveyed to Tam Ngo and Duc T. Nguyen by Deed from Haley Cochran and Steven Thomas. Deed made November 23, 2015 and recorded on December 8, 2015 as Instrument Number 20151208-0080856 among the Land Records of Loudoun County, Virginia.

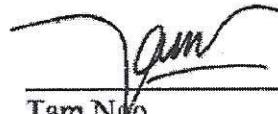
SUBJECT TO all covenants, restrictions, easements, and rights-of-way of record.

After Recording, please return to
Apex Title and Escrow Corporation
3615 Chain Bridge Rd., # E, Fairfax, VA 22030



Witness the following signatures and seals:



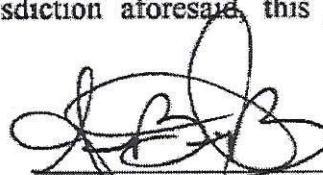


Tam Ngo


Thuan Q. Ngo

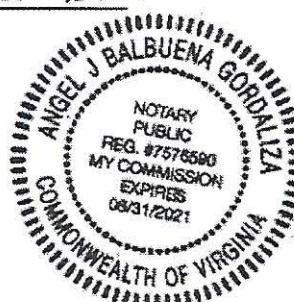
Commonwealth of Virginia;
County of Fairfax, to-wit;

I, the undersigned Notary Public for the jurisdiction aforesaid, do hereby certify that Thuan Q. Ngo and Tam Ngo, whose names are signed to the foregoing Deed of Gift, acknowledged the same before me in my jurisdiction aforesaid, this 8th day of February, 2018.



Notary Public

My Commission Expires: 08/31/2021

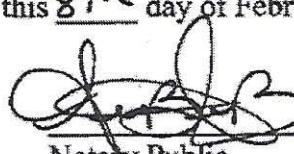




Duc T. Nguyen

Commonwealth of Virginia;
County of Fairfax, to-wit;

I, the undersigned Notary Public for the jurisdiction aforesaid, do hereby certify that Duc T. Nguyen, whose name is signed to the foregoing Deed of Gift, acknowledged the same before me in my jurisdiction aforesaid, this 8th day of February, 2018.



Notary Public

My Commission Expires: 08/31/2021

Grantees' Address:

42414 Chamois Court
Sterling, VA 20166

After Recording, please return to:
Apex Title and Escrow Corporation
3015 Chain Bridge Rd., # E/Fairfax, VA 22030

Consideration: \$0.00 - Tax exempt §58.1-811(D)

Parcel ID No.: 162352032000

Prepared by:

Gary D. Weinstein, Esquire
1513 King Street
Alexandria, VA 22314
VA State Bar No. 8378



20181025-0062195
Loudoun County, VA
10/25/2018 11:35:35 AM
Gary M. Clemens, Clerk

Pgs: 2

DEED OF GIFT

THIS DEED made this 24th day of October, 2018, by and between

Duc T. Nguyen and Kimberly Vu, Grantors

And

Global Realty Management Inc., a Virginia Corporation, Grantee

WITNESSETH: That for and in consideration of gift, the GRANTORS do hereby grant, and convey unto the GRANTEE, as in fee simple and with General Warranty and English Covenants of title, the following described land with its improvements in Loudoun County, Virginia:

Lot 12, Winsbury, Parcels A and B, as the same appears duly dedicated, platted and recorded in Instrument No. 20070820-0061190 with the record plats being recorded in Instrument No. 20070820-0061191 and re-recorded in Instrument No. 20080807-0048286, among the land records of Loudoun County, Virginia.

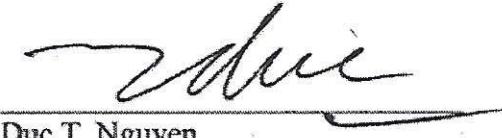
With improvements known as 42414 Chamois Court; Sterling, VA 20166.

AND BEING the same property conveyed to Duc T. Nguyen and Kimberly Vu by Deed from Thuan Q. Ngo, Tam Ngo and Due T. Nguyen. Deed made February 8, 2018 and recorded on February 9, 2018 as Instrument Number 201802090007637 among the Land Records of Loudoun County, Virginia.

SUBJECT TO all covenants, restrictions, easements, and rights-of-way of record.

After Recording, please return to:
Apex Title and Escrow Corporation
3615 Chain Bridge Rd., # E, Fairfax, VA 22030

Witness the following signatures and seals:



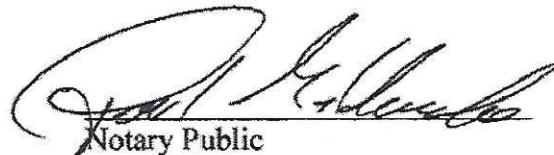
Duc T. Nguyen



Kimberly Vu

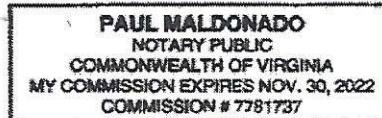
Commonwealth of Virginia;
County of Fairfax, to-wit;

I, the undersigned Notary Public for the jurisdiction aforesaid, do hereby certify that Duc T. Nguyen and Kimberly Vu, whose names are signed to the foregoing Deed of Gift, acknowledged the same before me in my jurisdiction aforesaid, this 24 day of October, 2018.



Notary Public

My Commission Expires: 11/30/22



Grantees' Address:

42414 Chamois Court
Sterling, VA 20166

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